

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF A SHORELINE
SUBSTANTIAL DEVELOPMENT PERMIT
DENIED BY MASON COUNTY TO
THE PORT OF ALLYN,

PORT OF ALLYN,

Appellant,

v.

MASON COUNTY,

Respondent.

SHB No. 82-32

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, the request for review of Mason County's denial of a shoreline substantial development permit to the Port of Allyn, came on for hearing before the Shorelines Hearings Board, Gayle Rothrock, Chairman, David Akana, Lawrence J. Faulk, Rodney M. Kerslake, Richard A. O'Neal and Nancy R. Burnett, Members, convened at Lacey, Washington on November 19, 1982. William A. Harrison, Administrative Law Judge, presided.

Appellant appeared by its attorney, R. Bruce Harrod; respondent

1 appeared by Frank Johnson, Deputy Prosecuting Attorney. Reporter Je.
2 Ericksen recorded the proceedings.

3 Witnesses were sworn and testified. Exhibits were examined. From
4 testimony heard and exhibits examined, the Shorelines Hearings Board
5 makes these

6 FINDINGS OF FACT

7 I

8 This matter arises at Allyn at the head of Case Inlet on Puget
9 Sound.

10 II

11 At this location, the Port of Allyn ("Port") owns some 400 feet of
12 frontage along the Case Inlet. It also owns a commercial dock
13 approximately 600 feet in length which it leases to a commercial
14 oyster growing company. Oyster growing is the main commercial
15 activity in the Port's area. Immediately alongside the commercial
16 dock is a boat launch ramp owned and operated by the Port. This ramp,
17 however, is too short for use at mid to low tides, and is also
18 narrow. Boats attempting to approach the ramp may be pushed against
19 the piling of the commercial dock in windy weather. Widening this
20 existing ramp would probably result in encroachment on adjacent
21 private tidelands.

22 The Port does not own the tidelands associated with its property
23 except for 1) the commercial dock and existing boat launch ramp and
24 2) a strip 36 feet wide protruding parallel to the commercial dock.
25 On this strip which it owns, and which is located some 250 feet

26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW & ORDER
SHB No. 92-32

1 northward of the Port's commercial dock, the Port proposed to
2 construct a new public boat launch ramp. The new ramp would be wider
3 than the existing ramp (20 feet v. 12 feet), and would be long enough
4 for use at all tides.

5 III

6 The tidelands associated with the Port's property, other than the
7 Port's ownership described above, are privately owned and devoted to
8 commercial oyster growing. The tideland owner to the north of the
9 proposed launch site is concerned that persons using the launch, if
10 built, would steal or harm oysters on his property which he has leased
11 to Sargent Oyster Company. Sargent Oyster Company neither opposes nor
12 endorses the proposed development. Coast Oyster Company which grows
13 oysters to the south of the proposed launch site neither opposes nor
14 endorses the proposed development. The proposed launch would cause
15 minimal damage to oysters because the site and immediately adjacent
16 areas are soft and not used for oyster growing at the present time.

17 IV

18 The Port maintains a public boat launch, similar to the one
19 proposed here, at Port property located a short distance overland on
20 the north shore of the Hood Canal near Belfair. This launch ramp is
21 also adjacent to private tidelands used for commercial oyster
22 growing. Losses of oysters caused by use of that launch ramp have
23 been insignificant.

24 V

25 The Mason County Shoreline Master Program (MCSMP) designates the

1 site of the proposal in an "Urban" environment. Boat launch ramps are
2 a permitted use in the Urban environment. MCSMP Section 7.16.020.

3 VI

4 A survey on recreation conducted by the Port in 1977 showed 1600
5 boats owned by permanent residents of the Port District. The Port's
6 proposed boat launch ramp would be the only such facility on the Allyn
7 side of the Case Inlet. There is presently a gravel surface parking
8 area on the Port's property which could be used by those people who
9 would use the proposed launch ramp.

10 VII

11 The Port applied to Mason County for a shoreline substantial
12 development permit for its proposed boat launch ramp. Mason County
13 issued a declaration of non-significance under the State Environmental
14 Policy Act, chapter 43.21C RCW. Following public hearing, Mason
15 County denied the permit. The Port requests review of this denial.

16 VIII

17 Any Conclusion of Law which should be deemed a Finding of Fact is
18 hereby adopted as such.

19 From these Findings the Board enters these

20 CONCLUSIONS OF LAW

21 I

22 We review the proposed development for consistency with the Mason
23 County Shoreline Master Program (MCSMP) and the Shoreline Management
24 Act. RCW 90.58.140(2)(b).

1 II

2 Mason County has designated the site as appropriate for a boat
3 launch ramp. MCSMP Section 7.16.020. The proposed development is
4 consistent with the Mason County Shoreline Master Program.

5 III

6 It is the policy of the state to provide for the management of the
7 shorelines of the state by planning for and fostering all reasonable
8 and appropriate uses. RCW 90.58.020. The designation of the site in
9 question by the MCSMP so as to allow a public boat launch is an
10 exercise of that planning.

11 Also at RCW 90.58.020 the Shoreline Management Act states that
12 uses shall be preferred which are unique to or dependent upon the use
13 of the water and that alterations of the natural condition of
14 shorelines shall be given priority for improvements facilitating
15 public access to shorelines of the state. The proposed boat launch
16 ramp is consistent with these objectives of the Act. It is also
17 consistent with the Act's policy that the public's opportunity to
18 enjoy the physical and aesthetic qualities of natural shorelines of
19 the state shall be preserved to the greatest extent feasible. Such
20 enjoyment is often at its best when shorelines are appreciated from
21 navigable waters. A boat launch, as proposed, is a gateway to those
22 waters which will not degrade the physical or aesthetic qualities of
23 this shoreline.

24 If the public is informed of the presence of commercial oyster
25 operations near the proposed boat launch, use of the launch should

1 cause no significant adverse effect upon those operations. The Port
2 suggests posting of the area. We agree. The Port should therefore
3 post warning signs cautioning against trespassing onto adjacent
4 tidelands. These signs should be placed both along side the boat
5 launch ramp and along the entire water frontage of the Port's upland
6 property. The proposal, as so conditioned, is consistent with the
7 Shoreline Management Act.

8 IV

9 Any Finding of Fact which should be deemed a Conclusion of Law is
10 hereby adopted as such.

11 From these Conclusions the Board enters this
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ORDER

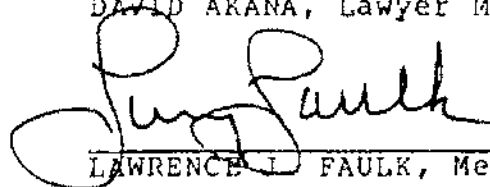
The denial of a substantial development permit to the Port of
Allyn by Mason County is reversed. This matter is remanded for
issuance of a substantial development permit conditioned to require
the posting of signs as set forth in Conclusion of Law III.

DONE this 27th day of December, 1982.

SHORELINES HEARINGS BOARD


GAYLE ROTHROCK, Chairman

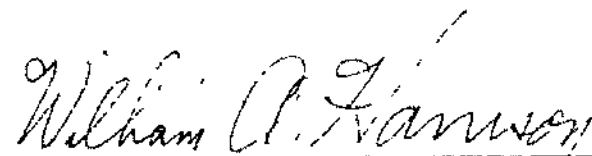

DAVID AKANA, Lawyer Member


LAWRENCE J. FAULK, Member


RODNEY M. KERSLAKE, Member


NANCY R. BURNETT, Member


RICHARD A. O'NEAL, Member


WILLIAM A. HARRISON
Administrative Law Judge